



July 10, 1967

NUMBER 4605.1

ASD(M)

## Department of Defense Directive

SUBJECT Use of Military Postal Service

- Refs: (a) DoD Directive 4605.1, subject as above, January 8, 1955 (hereby cancelled)  
(b) DoD Directive 5030.11, "Postal Agreement Between the Post Office Department and the Department of Defense," March 5, 1959  
(c) Title 39, "Postal Service," Code of Federal Regulations  
(d) DoD Instruction 1330.7, "Visits of Civilian Religious Leaders to Military Installations in Overseas Areas," August 11, 1966  
(e) DoD Directive 1330.12, "United Service Organizations, Inc.," December 6, 1960  
(f) DoD Instruction 1330.13, "Armed Forces Professional Entertainment Program Overseas," August 20, 1959  
(g) DoD Directive 5122.5, "Assistant Secretary of Defense (Public Affairs)," July 10, 1961  
(h) DoD Instruction 2010.1, "Support of International Military Activities," March 1, 1961

### I. PURPOSE AND APPLICABILITY

This reissues reference (a), designates the organizations, agencies, and personnel entitled to use the facilities of the military postal service, and prescribes policies and procedures governing the furnishing of uniform postal support by the Military Departments.

### II. CANCELLATION

Reference (a) is hereby superseded and cancelled.

### III. SCOPE AND DEFINITIONS

The military postal service includes the postal facilities of the Army, Navy, and the Air Force established under reference (b).

OSD, State Dept. reviews completed

- A. These facilities are maintained and operated for the purpose of providing complete postal services for the United States Armed Forces in areas where the U.S. Civil Postal Service does not operate and in any other place where the military situation requires.
- B. This service is an extension of the U.S. domestic postal system and operates in conformity with the U.S. Postal Manual, published under reference (c); other Post Office Department instructions, and military directives.

#### IV. POLICY AND PRINCIPLES

- A. As outlined in reference (b) (Enclosure 1, Section 1, paragraph 4) the establishment, operation, and use of the U.S. Military Postal Service in sovereign foreign countries "in peace-time" is contingent upon agreement with the host government, since it is customary among nations to preserve a monopoly of postal service, including postage revenue and control of customs.
  - 1. International agreements permitting establishment of military postal facilities usually limit the use of such facilities to the Armed Forces and certain civilian agencies and organizations serving with or related to the Armed Forces.
  - 2. The cost of operating military postal facilities overseas is borne by the Military Departments. Currently, that cost includes the transportation of Army and Air Post Office/Fleet Post Office (APO/FPO) mail, inter- and intra-command, between the United States and overseas areas, exclusive of territories and possessions, both by air and surface transport, commercial as well as military.
- B. The Secretaries of the Military Departments are authorized to (1) furnish postal support to the eligible individuals and agencies listed in this Directive in accordance with the principles specified herein, and (2) make determination as to the eligibility of other agencies or individuals to receive postal support under such policies and principles.
- C. Postal support will be furnished only when all of the following conditions are met:
  - 1. Agencies and individuals requesting postal support are providing services to the U.S. Armed Forces which are essential or of substantial assistance to the accomplishment of the U.S. Government mission. Commercial activities requesting postal support must serve the U.S. Forces exclusively.

# DEPARTMENT OF DEFENSE

## DIRECTIVES SYSTEM TRANSMITTAL

NUMBER	DATE	DISTRIBUTION
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ATTACHMENTS		
None		

### INSTRUCTIONS FOR RECIPIENTS

The following pen change to DoD Directive 4605.1, "Use of Military Postal Service," dated July 10, 1967, has been authorized:

### PEN CHANGES

- Page 4, paragraph IV. F.13., - Change line 1 to read:  
 "Dependents of the personnel in paragraphs 1. through 12., above, when ac-"
- Page 7, subsection V. F., - Change the last line to read:  
 "ized under paragraph IV. F.14., above."

Changed portions have been underscored.

### EFFECTIVE DATE

This change is effective immediately.

*Maurice W. Roche*

MAURICE W. ROCHE

Director, Correspondence and Directives Division  
 OASD(Administration)

WHEN PRESCRIBED ACTION HAS BEEN TAKEN, THIS TRANSMITTAL SHOULD BE FILED WITH THE BASIC DOCUMENT

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2. The furnishing of postal support to agencies and individuals:
  - a. Will not interfere with the accomplishment of the U.S. military mission.
  - b. Is consistent with the terms of any agreements which the United States has entered into with the government of the nation concerned.
  - c. Will not place the privileges and immunities of the United States Forces in jeopardy.
- D. Postal support furnished in accordance with this Directive will be periodically reviewed by commanders with the purpose of adjusting such support to conform with current missions.
- E. Where more than one Military Department has postal facilities within an area, postal support policies shall be coordinated to attain uniformity of application.
- F. The following personnel and organizations are entitled to use the military postal facilities:
  1. Members and units of the U.S. Armed Forces on active duty, including the U.S. Coast Guard.
  2. U.S. citizen employees of the Department of Defense, who are serving with U.S. military activities in a foreign country, or any area, territory or possession of the U.S. where no U.S. civil post office is available.
  3. U.S. citizen representatives of the American Red Cross who are attached to and accompanying U.S. Armed Forces.
  4. U.S. contractors and their U.S. citizen employees engaged in work under contract with the U.S. Government. (When postal support is not provided for in the contract, it will be furnished in accordance with the policy and principles of this Directive).
  5. American dependent schools and their U.S. citizen employees, when such schools are operated from appropriated U.S. Government funds.
  6. Civilian religious representatives or religious groups visiting overseas commands in the interest of and to assist the U.S. forces, provided such persons have obtained an official invitation to travel as specified in reference (d).
  7. Celebrities and entertainers; athletic clinic instructors; representatives of educational institutions or other social

agencies, whose purpose is to provide a service to the U.S. (such individuals shall have been officially invited to travel to overseas under provisions of reference (f)).

8. United Service Organizations, Inc. (USO), and their U.S. citizen employees when established in overseas areas, under provisions of reference (e).
9. Foreign military nationals on duty or training with a U.S. military organization or unit.
  - a. Such individuals may utilize the military postal facilities for purchase of stamps, and receipt and dispatch of mail to and from their home country only.
  - b. In correspondence with persons in their home country, mail will be addressed in the same manner as it would be if they were in their home country. The use of a U.S. military postal address in home country is not authorized.
10. U.S. military banking facilities designated by the Secretary of the Treasury as a Depository and Financial Agent of the U.S. Government in overseas areas.
  - a. Postal support is limited to transactions emanating from official operations for the benefit of the military activities and their personnel.
  - b. U.S. citizen employees of such banking facilities are authorized use of the Military Postal Service.
11. Nonappropriated fund activities and their U.S. citizen employees, when such activities have been defined as instrumentalities of the U.S. Government.
12. U.S. universities and colleges (and their U.S. citizen employees) operating in overseas areas by authority of the Secretaries of the Military Departments to provide education to members of the military service and their authorized dependents.
13. Dependents of the personnel in Item 12., above, when accompanying the principal (postal privileges will be withdrawn ninety (90) days subsequent to the departure of the sponsor when the dependent remains overseas or when sponsorship is terminated for any other reason).
14. U.S. citizen correspondent and public information agencies who have been accredited by The Assistant Secretary of Defense (Public Affairs) under reference (g), and subject to approval of the overseas unified commander.

15. Masters and civilian crews of Military Sea Transportation Service nucleus fleet ships, and merchant ships operating for the account of the Military Sea Transportation Service, including contract operated, time chartered, consecutive voyage chartered and General Agency Agreement vessels, under conditions prescribed by the Military Departments.
  16. International Military Commands and agencies of the North Atlantic Treaty Organization (NATO) (as specified in reference (h)), for official mail only.
- G. The following personnel and organizations are entitled to use U.S. military postal facilities located in foreign countries to the extent that the military postal facilities of the command permit; or, in areas where the military Commander-in-Chief deems the local civil postal service to be inadequate:
1. Members of the Armed Forces of Allies or contingents thereof assigned or attached to the U.S. Armed Forces corresponding to and from their home country only.
  2. U.S. Government departments and independent agencies, U.S. citizen employees thereof, and their dependents, when accompanying the principal.
  3. Retired personnel of the U.S. Armed Forces and their dependents when accompanying the principal.
  4. U.S. nonprofit, service, social, civic, and fraternal type organizations providing all individual members are authorized privileges in their own right.
  5. U.S. Federal employee organizations at overseas bases for the conduct of labor union business.
- H. Upon request of the foreign government concerned, foreign military units serving with the U.S. Armed Forces may be authorized to transmit closed mails through United States military postal channels when adequate international postal facilities are not available.
- I. Vessels under U.S. Navy operational control being transferred to foreign governments under military assistance programs may be authorized to use the Military Postal Service while enroute to their home country.
- J. Other allied warships participating in U.S. naval maneuvers or operating in United States waters may be authorized to use the facilities of the Navy Postal Service for receiving closed mail on request, provided that the mail is transported at the requesting country's expense to the appropriate Fleet Post Office.

- K. Request for authority for persons and organizations not enumerated in A. through J., above, to use military postal facilities in time of peace, or request for exceptions to the above, may be submitted to appropriate departmental headquarters which, through mutual coordination and agreement with the other military departments, will approve or disapprove each request.
- L. In the event of national emergency, hostilities or occupation, U.S. citizen personnel, not otherwise authorized use of the military postal service under any other provisions of this Directive, may be authorized use of the facilities for letter class mail including postal cards and post cards, and voice recordings.
  - 1. Such individuals must be in overseas areas where international postal service is not available or adequate.
  - 2. If adequate international postal service becomes available subsequent to the authorization, use of the Military Postal Service will be withdrawn.

V. RESPONSIBILITIES

In carrying out the provisions of this Directive the Secretaries of the Military Departments will assure that:

- A. The provisions of the United States Post Office Department Manual (reference (c)) and local restrictions are enforced to prevent military post offices from accepting prohibited items of mail.
- B. Existing postal agreements with foreign sovereign governments are enforced.
- C. Persons and organizations entitled to use the military postal facilities do not use it to act as intermediaries for persons or organizations not authorized to use the service.
- D. Persons and organizations using the military postal facilities comply with local customs requirements.
- E. Postal privileges are withdrawn from retired military personnel and civilians when there is evidence of abuse of the privilege.
- F. The Military Postal Service is not used by individuals or agencies for commercial or business purposes or to transmit items intended for resale in the course of conducting a business or enterprise. This prohibition does not extend to news copy, film, recording tape, or similar material transmitted

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through the postal service by accredited news media representatives when use of these facilities have been authorized under paragraph IV.H.14., above.

- G. Organizations, agencies and individuals no longer eligible to use the postal service discontinue such use not later than ninety (90) days subsequent to the date they are notified of ineligibility.

VI. EFFECTIVE DATE AND ACTION REQUIRED

This Directive is effective immediately. Two (2) copies of uniform implementing documents will be furnished to The Assistant Secretary of Defense (Manpower) within sixty (60) days.

*Paul H. Nitze*  
Deputy Secretary of Defense



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## U.S., Japan Sign Administrative Agreement

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The Department of State announced on February 28 that the United States and Japan had signed at Tokyo on that date an Administrative Agreement in implementation of the Security Treaty between Japan and the United States.<sup>1</sup> The Security Treaty was signed on September 8, 1951, at San Francisco in order to provide an unarmed and defenseless Japan with the necessary protection against the menace of Communist aggression by maintaining United States Armed Forces in and about Japan. This treaty was voluntarily agreed to by Japan in the exercise of its inherent sovereign right of individual and collective self-defense recognized in the Treaty of Peace With Japan as well as in the Charter of the United Nations.

The Agreement conforms in general to the agreements which have been concluded with sovereign countries throughout the world where United States forces are maintained. Concluded on a basis of sovereign equality and trust by direct negotiation between the two countries, the Agreement is satisfactory to both the United States and Japanese Governments and will strengthen the close bonds of mutual interest and regard between their two peoples.

The present Administrative Agreement, which is an executive agreement, makes the practical administrative arrangements for the disposition of the armed forces of the United States called for by the Security Treaty. This Agreement is within the framework and purposes of the Security Treaty and deals only with the use of facilities and areas, the sharing of costs, the jurisdiction over persons, certain privileges and exemptions, and the method of continuous mutual consultation, which are necessary and appropriate for the United States Armed Forces to carry out effectively their security mission. The Agreement does not deal with the problem of possible future increases of Japan's own defensive capacity nor does it include any commitments by the United States or Japan with respect to the action to be taken in an emergency except that the two Governments will consult. So far as concerns the use of facilities and areas in Japan in support of the United Nations' security action in Korea, the Japanese Government in an exchange of notes on September 8, 1951, affirmed its willingness to "permit

and facilitate the support in and about Japan" of forces engaged in such United Nations' actions.

By implementing the Security Treaty between the United States and Japan an important step has been taken in the defense of peace and security in the Pacific area and in the steady progress of democratic nations toward a system of collective security for peace and freedom which has been developing within the framework of the United Nations Charter.

### TEXT OF ADMINISTRATIVE AGREEMENT

#### PREAMBLE

Whereas the United States of America and Japan on September 8, 1951, signed a Security Treaty which contains provisions for the disposition of United States land, air and sea forces in and about Japan;

And whereas Article III of that Treaty states that the conditions which shall govern the disposition of the armed forces of the United States in and about Japan shall be determined by administrative agreements between the two Governments;

And whereas the United States of America and Japan are desirous of concluding practical administrative arrangements which will give effect to their respective obligations under the Security Treaty and will strengthen the close bonds of mutual interest and regard between their two peoples;

Therefore, the Governments of the United States of America and of Japan have entered into this Agreement in terms as set forth below:

#### ARTICLE I

In this Agreement the expression—

(a) "members of the United States Armed Forces" means the personnel on active duty belonging to the land, sea or air armed services of the United States of America when in the territory of Japan.

(b) "civilian component" means the civilian persons of United States nationality who are in the employ of, serving with, or accompanying the United States armed forces in Japan, but excludes persons who are ordinarily resident in Japan or who are mentioned in paragraph 1 of Article XIV. For the purpose of this Agreement only, dual nationals, United States and Japanese, who are brought to Japan by the United States shall be considered as United States nationals.

(c) "dependents" means:

(1) Spouse, and children under 21;

(2) Parents, and children over 21, if dependent for over half their support upon a member of the United States armed forces or civilian component.

<sup>1</sup> BULLETIN of Sept. 17, 1951, p. 464.

# ARTICLE IX

1. The United States shall have the right to bring into Japan for purposes of this Agreement persons who are members of the United States armed forces, the civilian component, and their dependents.
2. Members of the United States armed forces shall be exempt from Japanese passport and visa laws and regulations. Members of the United States armed forces, the civilian component, and their dependents shall be exempt from Japanese laws and regulations on the registration and control of aliens, but shall not be considered as acquiring any right to permanent residence or domicile in the territories of Japan.
3. Upon entry into or departure from Japan members of the United States armed forces shall be in possession of the following documents: (a) personal identity card showing name, date of birth, rank and number, service, and photograph; and (b) individual or collective travel order certifying to the status of the individual or group as a member or members of the United States armed forces and to the travel ordered. For purposes of their identification while in Japan, members of the United States armed forces shall be in possession of the foregoing personal identity card.
4. Members of the civilian component, their dependents, and the dependents of members of the United States armed forces shall be in possession of appropriate documentation issued by the United States authorities so that their status may be verified by Japanese authorities upon their entry into or departure from Japan, or while in Japan.
5. If the status of any person brought into Japan under paragraph 1 of this Article is altered so that he would no longer be entitled to such admission, the United States authorities shall notify the Japanese authorities and shall, if such person be required by the Japanese authorities to leave Japan, assure that transportation from Japan will be provided within a reasonable time at no cost to the Japanese Government.

# ARTICLE X

1. Japan shall accept as valid without a driving test or fee the driving permit or license or military driving permit issued by the United States to a member of the United States armed forces, the civilian component and their dependents.
2. Official vehicles of the United States armed forces and the civilian component shall carry distinctive numbered plates or individual markings which will readily identify them.
3. Privately owned vehicles of members of the United States armed forces, the civilian component and their dependents shall carry Japanese number plates to be acquired under the same condition as those applicable to Japanese nationals.

# ARTICLE XI

1. Save as provided in this Agreement, members of the United States armed forces, the civilian component, and their dependents shall be subject to the laws and regulations administered by the customs authorities of Japan.
2. All materials, supplies and equipment imported by the United States armed forces, the authorized procurement agencies of the United States armed forces, or by the organizations provided for in Article XV, for the official use of the United States armed forces or for the use of the members of the United States armed forces, the civilian component, and their dependents, and materials, supplies and equipment which are to be used exclusively by the United States armed forces or are ultimately to be incorporated into articles or facilities

such entry shall be free from customs duties and other such charges. Appropriate certification shall be made that such materials, supplies and equipment are being imported by the United States armed forces, the authorized procurement agencies of the United States armed forces, or by the organizations provided for in Article XV, or, in the case of materials, supplies and equipment to be used exclusively by the United States armed forces or ultimately to be incorporated into articles or facilities used by such forces, that delivery thereof is to be taken by the United States armed forces for the purposes specified above.

3. Property consigned to and for the personal use of members of the United States armed forces, the civilian component, and their dependents, shall be subject to customs duties and other such charges, except that no duties or charges shall be paid with respect to:

(a) Furniture and household goods for their private use imported by the members of the United States armed forces or civilian component when they first arrive to serve in Japan or by their dependents when they first arrive for reunion with members of such forces or civilian component, and personal effects for private use brought by the said persons upon entrance.

(b) Vehicles and parts imported by members of the United States armed forces or civilian component for the private use of themselves or their dependents.

(c) Reasonable quantities of clothing and household goods of a type which would ordinarily be purchased in the United States for everyday for the private use of members of the United States armed forces, civilian component, and their dependents, which are mailed into Japan through United States military post offices.

4. The exemptions granted in paragraphs 2 and 3 shall apply only to cases of importation of goods and shall not be interpreted as refunding customs duties and domestic excises collected by the customs authorities at the time of entry in cases of purchases of goods on which such duties and excises have already been collected.

5. Customs examination shall not be made in the following cases:

(a) Units and members of the United States armed forces under orders entering or leaving Japan;

(b) Official documents under official seal;

(c) Mail in United States military postal channels and military cargo shipped on a United States Government bill of lading.

6. Except as such disposal may be authorized by the Japanese and United States authorities in accordance with mutually agreed conditions, goods imported into Japan free of duty shall not be disposed of in Japan to persons not entitled to import such goods free of duty.

7. Goods imported into Japan free from customs duties and other such charges pursuant to paragraphs 2 and 3 may be re-exported free from customs duties and other such charges.

8. The United States armed forces, in cooperation with Japanese authorities, shall take such steps as are necessary to prevent abuse of privileges granted to the United States armed forces, members of such forces, the civilian component, and their dependents in accordance with this Article.

9. (a) In order to prevent offenses against laws and regulations administered by the customs authorities of the Japanese Government, the Japanese authorities and the United States armed forces shall assist each other in the conduct of inquiries and the collection of evidence.

(b) The United States armed forces shall render all assistance within their power to ensure that articles liable to seizure by, or on behalf of, the customs authorities of the Japanese Government are handed to those authorities.

(c) The United States armed forces shall render all assistance within their power to ensure the payment of duties, taxes, and penalties payable by members of such forces or for the civilian component, or their dependents.

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States armed forces shall be subject to the customs authorities of the Japanese Government in connection with an offense against its customs or fiscal laws or regulations shall be handed over to the appropriate authorities of the force concerned.

#### ARTICLE XII

1. The United States shall have the right to contract for any supplies or construction work to be furnished or undertaken in Japan for purposes of, or authorized by this Agreement, without restriction as to choice of supplier or person who does the construction work.

2. Materials, supplies, equipment and services which are required from local sources for the maintenance of the United States armed forces and the procurement of which may have an adverse effect on the economy of Japan shall be procured in coordination with, and, when desirable, through and with the assistance of, the competent authorities of Japan.

3. Materials, supplies, equipment and services procured for official purposes in Japan by the United States armed forces, or by authorized procurement agencies of the United States armed forces upon appropriate certification shall be exempt from the following Japanese taxes:

- (a) Commodity tax
- (b) Travelling tax
- (c) Gasoline tax
- (d) Electricity and gas tax

Materials, supplies, equipment and services procured for ultimate use by the United States armed forces shall be exempt from commodity and gasoline taxes upon appropriate certification by the United States armed forces. With respect to any present or future Japanese taxes not specifically referred to in this Article which might be found to constitute a significant and readily identifiable part of the gross purchase price of materials, supplies, equipment and services procured by the United States armed forces, or for ultimate use by such forces, the two Governments will agree upon a procedure for granting such exemption or relief therefrom as is consistent with the purposes of this Article.

4. Local labor requirements of the United States armed forces or civilian component shall be satisfied with the assistance of the Japanese authorities.

5. The obligations for the withholding and payment of income tax and of social security contributions, and, except as may otherwise be mutually agreed, the conditions of employment and work, such as those relating to wages and supplementary payments, the conditions for the protection of workers, and the rights of workers concerning labor relations shall be those laid down by the legislation of Japan.

6. Members of the civilian component shall not be subject to Japanese laws or regulations with respect to terms and conditions of employment.

7. Neither members of the United States armed forces, civilian component, nor their dependents, shall by reason of this Article enjoy any exemption from taxes or similar charges relating to personal purchases of goods and services in Japan chargeable under Japanese legislation.

8. Except as such disposal may be authorized by the Japanese and United States authorities in accordance with mutually agreed conditions, goods purchased in Japan exempt from the taxes referred to in paragraph 3, shall not be disposed of in Japan to persons not entitled to purchase such goods exempt from such tax.

#### ARTICLE XIII

1. The United States armed forces shall not be subject to taxes or similar charges on property held, used or transferred by such forces in Japan.

2. Members of the United States armed forces, the civilian component and their dependents shall not be liable to pay any Japanese taxes to the Japanese Government or to any other taxing agency in Japan on

service with or employment by the United States armed forces or by the organizations provided for in Article XV. The provisions of this Article do not exempt such persons from payment of Japanese taxes on income derived from Japanese sources nor do they exempt United States citizens who for United States income tax purposes claim Japanese residence from payment of Japanese taxes on income. Periods during which such persons are in Japan solely by reason of being members of the United States armed forces, the civilian component, or their dependents shall not be considered as periods of residence or domicile in Japan for the purpose of Japanese taxation.

3. Members of the United States armed forces, the civilian component, and their dependents shall be exempt from taxation in Japan on the holding, use, transfer *inter se*, or transfer by death of movable property, tangible or intangible, the presence of which in Japan is due solely to the temporary presence of these persons in Japan, provided that such exemption shall not apply to property held for the purpose of investment or the conduct of business in Japan or to any intangible property registered in Japan. There is no obligation under this Article to grant exemption from taxes payable in respect of the use of roads by private vehicles.

#### ARTICLE XIV

1. Persons, including corporations organized under the laws of the United States, and their employees who are ordinarily resident in the United States and whose presence in Japan is solely for the purpose of executing contracts with the United States for the benefit of the United States armed forces shall, except as provided in this Article, be subject to the laws and regulations of Japan.

2. Upon certification by appropriate United States authorities as to their identity, such persons and their employees shall be accorded the following benefits of this Agreement:

(a) Rights of accession and movement, as provided for in Article V, paragraph 2;

(b) Entry into Japan in accordance with the provisions of Article IX;

(c) The exemption from customers duties, and other such charges provided for in Article XI, paragraph 3, for members of the United States armed forces, the civilian component, and their dependents;

(d) If authorized by the United States Government, the right to use the services of the organizations provided for in Article XV;

(e) Those provided for in Article XIX, paragraph 2, for members of the armed forces of the United States, the civilian component, and their dependents;

(f) If authorized by the United States Government, the right to use military payment certificates, as provided for in Article XX;

(g) The use of postal facilities provided for in Article XXI;

(h) Exemption from the laws and regulations of Japan with respect to terms and conditions of employment.

3. Such persons and their employees shall be so described in their passports and their arrival, departure and their residence while in Japan shall, from time to time, be notified by the United States armed forces to the Japanese authorities.

4. Upon certification by an authorized officer of the United States armed forces depreciable assets except houses, held, used, or transferred, by such persons and their employees exclusively for the execution of contracts referred to in paragraph 1 shall not be subject to taxes or similar charges of Japan.

5. Upon certification by an authorized officer of the United States armed forces, such persons and their employees shall be exempt from taxation in Japan on the holding, use, transfer by death, or transfer to persons or agencies entitled to tax exemption under this Agree-

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ment, of income or property, is due solely to the temporary presence of these persons in Japan, provided that such exemption shall not apply to property held for the purpose of investment or the conduct of other business in Japan or to any intangible property registered in Japan. There is no obligation under this Article to grant exemption from taxes payable in respect of the use of roads by private vehicles.

6. The persons and their employees referred to in paragraph 1 shall not be liable to pay income or corporation taxes to the Japanese Government or to any other taxing agency in Japan on any income derived under a contract made in the United States with the United States Government in connection with the construction, maintenance or operation of any of the facilities or areas covered by this Agreement.

The provisions of this paragraph do not exempt such persons from payment of income or corporation taxes on income derived from Japanese sources, nor do they exempt such persons and their employees who, for United States income tax purposes, claim Japanese residence, from payment of Japanese taxes on income. Periods during which such persons are in Japan solely in connection with the execution of a contract with the United States Government shall not be considered periods of residence or domicile in Japan for the purposes of such taxation.

7. Japanese authorities shall have the primary right to exercise jurisdiction over the persons and their employees referred to in paragraph 1 of this Article in relation to offenses committed in Japan and punishable by the law of Japan. In those cases in which the Japanese authorities decide not to exercise such jurisdiction they shall notify the military authorities of the United States as soon as possible. Upon such notification the military authorities of the United States shall have the right to exercise such jurisdiction over the persons referred to as is conferred on them by the law of the United States.

#### ARTICLE XV

1. (a) Navy exchanges, post exchanges, messes, social clubs, theaters, newspapers and other non-appropriated fund organizations authorized and regulated by the United States military authorities may be established in the facilities and areas in use by the United States armed forces for the use of members of such forces, the civilian component, and their dependents. Except as otherwise provided in this Agreement, such organizations shall not be subject to Japanese regulations, license, fees, taxes or similar controls.

(b) When a newspaper authorized and regulated by the United States military authorities is sold to the general public, it shall be subject to Japanese regulations, license, fees, taxes or similar controls so far as such circulation is concerned.

2. No Japanese tax shall be imposed on sales of merchandise and services by such organizations, except as provided in paragraph 1 (b), but purchases within Japan of merchandise and supplies by such organizations shall be subject to Japanese taxes.

3. Except as such disposal may be authorized by the United States and Japanese authorities in accordance with mutually agreed conditions, goods which are sold by such organizations shall not be disposed of in Japan to persons not authorized to make purchases from such organizations.

4. The obligations for the withholding and payment of income tax and of social security contributions, and, except as may otherwise be mutually agreed, the conditions of employment and work, such as those relating to wages and supplementary payments, the conditions for the protection of workers, and the rights of workers concerning labor relations shall be those laid down by the legislation of Japan.

5. The organizations referred to in this Article shall provide such information to the Japanese authorities as is required by Japanese tax legislation.

It is the duty of members of the United States armed forces, the civilian component, and their dependents to respect the law of Japan and to abstain from any activity inconsistent with the spirit of this Agreement, and, in particular, from any political activity in Japan.

#### ARTICLE XVII

1. Upon the coming into force with respect to the United States of the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, signed at London on June 19, 1951, the United States will immediately conclude with Japan, at the option of Japan, an agreement on criminal jurisdiction similar to the corresponding provisions of that Agreement.

2. Pending the coming into force with respect to the United States of the North Atlantic Treaty Agreement referred to in paragraph 1, the United States service courts and authorities shall have the right to exercise within Japan exclusive jurisdiction over all offenses which may be committed in Japan by members of the United States armed forces, the civilian component, and their dependents, excluding their dependents who have only Japanese nationality. Such jurisdiction may in any case be waived by the United States.

3. While the jurisdiction provided in paragraph 2 is effective, the following provisions shall apply:

(a) Japanese authorities may arrest members of the United States armed forces, the civilian component, or their dependents outside facilities and areas in use by United States armed forces for the commission or attempted commission of an offense, but in the event of such an arrest, the individual or individuals shall be immediately turned over to the United States armed forces. Any person fleeing from the jurisdiction of the United States armed forces and found in any place outside the facilities and areas may on request be arrested by the Japanese authorities and turned over to the United States authorities.

(b) The United States authorities shall have the exclusive right to arrest within facilities and areas in use by United States armed forces. Any person subject to the jurisdiction of Japan and found in any such facility or area will, on request, be turned over to the Japanese authorities.

(c) The United States authorities may, under due process of law, arrest, in the vicinity of such a facility or area, any person in the commission or attempted commission of an offense against the security of that facility or area. Any such person not subject to the jurisdiction of the United States armed forces shall be immediately turned over to Japanese authorities.

(d) Subject to the provisions of paragraph 3 (c), the activities outside the facilities and areas of military police of the United States armed forces shall be limited to the extent necessary for maintaining order and discipline of and arresting members of the United States armed forces, the civilian component, and their dependents.

(e) The authorities of the United States and Japan shall cooperate in making available witnesses and evidence for criminal investigations and other criminal proceedings in their respective tribunals and shall assist each other in the making of investigations. In the event of a criminal contempt, perjury, or an obstruction of justice before a tribunal which does not have criminal jurisdiction over the individual committing the offense, he shall be tried by a tribunal which has jurisdiction over him as if he had committed the offense before it.

(f) The United States armed forces shall have the exclusive right of removing from Japan members of the United States armed forces, the civilian component, and their dependents. The United States will give sympathetic consideration to a request by the Government of Japan for the removal of any such person for good cause.

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